



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 W. 15TH STREET, SUITE 3200
HELENA, MONTANA 59626

RECEIVED

JAN 08 2003

DEQ
Planning Division

January 6, 2003

Ref: 8EPR-EP

Mr. Art Compton, Director
Planning, Prevention and Assistance Division
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901

Re: TMDL Approvals
Cooke City TMDL Planning Area

Dear Mr. Compton:

We have completed our review of the total maximum daily loads (TMDLs) as submitted by your office for the Cooke City TMDL Planning Area. The TMDLs are included in the document entitled Water Quality Restoration Plan for the Cooke City TMDL Planning Area (Montana Department of Environmental Quality) transmitted to us for review and approval in correspondence dated November 27, 2002 and signed by you. In accordance with the Clean Water Act (33 U.S.C. 1251 *et. seq.*), we approve all aspects of the TMDLs as developed for the Cooke City TMDL Planning Area. Enclosure 1 to this letter provides a summary of the elements of the TMDLs and Enclosure 2 provides details of our review of the TMDLs.

Based on our review, we feel the separate TMDL elements listed in Enclosure 2 adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety. In approving these TMDLs, EPA affirms that the TMDLs have been established at a level necessary to attain and maintain the applicable water quality standards and has the necessary components of an approvable TMDL.

The Cooke City TMDL Planning Area includes water bodies both within the jurisdictional boundaries of the State of Montana and Wyoming. As such, the TMDL implements the water quality standards established by both States.

Finally, we wish to inform you that our office has received concurrence from the U.S. Fish and Wildlife Service regarding our biological evaluations of the approval of the Cooke City TMDL Planning Area. Our biological evaluations were submitted to the Service in accordance with Section 7 of the Endangered Species Act. In our evaluations, we assessed the effects for our approval on the threatened, endangered, proposed, and candidate species in the

area of the TMDLs. Our conclusion was that the TMDL approval would either have no effect or would not likely have an adverse impact on the species of concern. Any effect of the TMDL approvals was seen as either insignificant or beneficial to the species.

Thank you for your submittal. If you have any questions concerning this approval, feel free to contact Ron Steg of my staff at (406) 457-5024.

Sincerely,

A handwritten signature in black ink, appearing to read "Max H. Dodson", with a stylized, flowing script.

Max H. Dodson
Assistant Regional Administrator
Ecosystems Protection and Remediation

Enclosures

cc:

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